REMARKS/ARGUMENTS

In the Office Action mailed August 7, 2007, claims 1-9 and 20-30 were rejected. Additionally, claims 10-19 were withdrawn from consideration. In response, Applicant hereby requests reconsideration of the application in view of the amended claims and the below-provided remarks. Claims 10-19 are canceled.

For reference, claims 1, 7, 9, 20, 23, 24, and 30 are amended. In particular, claims 1, 20, 23, 24, and 30 are amended to recite to a system prediction policy. This amendment is supported, for example, by the original language of claim 9, as well as the corresponding subject matter described in the detailed description of the specification. As a result, claim 9 is amended to remove the reference to a system prediction policy. Claims 7 and 24 are also amended to clarify the language of the claims.

Additionally, claims 31-35 are added. These amendments are supported, for example, by the subject matter described in paragraphs 74 and 75 of the specification.

Affirmation of Election

Applicant affirms the provisional election to prosecute claims 1-9 and 20-30, which were designated by the Examiner as Group 1. Accordingly, claims 10-19 are canceled in response to the Examiner's withdrawal of claims 10-19 from further consideration.

Claim Rejections under 35 U.S.C. § 101

Claim 30 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office Action states that the subject matter of claim 30 would purportedly be interpreted as a system of "software per se."

Applicant submits that claim 30 recites statutory material despite the Office Action's assertion. In particular claim 30 recites several means for performing specified functions. Under 35 U.S.C. § 112, sixth paragraph, the recital of means without the recital of corresponding structure is understood to refer to corresponding structure described in the specification. Therefore, claim 30 recites structural limitations through

the recitation of means for performing the specified functions. Accordingly, Applicant respectfully requests that the rejection of claim 30 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections under 35 U.S.C. § 102/103

Claims 1-30 were rejected under 35 U.S.C. § 102(a) as being anticipated by Chase et al., "Dynamic Virtual Clusters in a Grid Site Manager" (hereinafter Chase). However, Applicant respectfully submits that these claims are patentable over Chase for the reasons provided below.

Claims 1-9

Applicant respectfully submits that claim 1 is patentable over the cited reference because Chase does not disclose all of the limitations of the claim. Claim 1, as amended recites "a policy module configured to access one of a plurality of system policies, each of the plurality of system policies corresponding to an operational control parameter of a system resource of the grid computing system, wherein the plurality of system policies comprises a system prediction policy" (emphasis added).

In contrast, Chase does not disclose a system prediction policy. Chase merely describes a policy to resize a virtual cluster (vcluster) according to actual load. Chase, section 4, paragraph 5, lines 1-3. In other words, Chase merely addresses using a VCM policy within the resize module to monitor actual load and resource status. Chase, section 3.2, paragraph 4, lines 9-11. However, Chase does not describe any type of predictions or prediction policies that might be used by the cluster manager (i.e., a virtual cluster manager (VCM)) or the grid site manager, or within the cluster-on-demand (COD) architecture, generally. Therefore, Chase does not disclose all of the limitations of the claim because Chase does not disclose a system prediction policy. Accordingly, Applicant respectfully submits that claim 1 is patentable over Chase because Chase does not disclose all of the limitations of the claim.

Given that claims 2-9 depend from and incorporate all of the limitations of independent claim 1, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 2-9 are also patentable over the cited reference based on an allowable base claim. Additionally, each of claims 2-9 may be allowable for further

reasons. Accordingly, Applicant requests that the rejection of claims 1-9 under 35 U.S.C. § 102(a) be withdrawn.

Claims 20-35

Applicant respectfully asserts independent claims 20, 23, 24, and 30 are patentable over Chase at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, each of claims 20, 23, 24, and 30 recites "a system prediction policy." Here, although the language of claims 20, 23, 24, and 30 differs from the language of claim 1, and the scope of each of claims 20, 23, 24, and 30 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejections of claims 20, 23, 24, and 30. Accordingly, Applicant respectfully asserts claims 20, 23, 24, and 30 are patentable over Chase because Chase does not disclose a system prediction policy.

Given that claims 21, 22, and 25-29 depend from and incorporate all of the limitations of the corresponding independent claims 20 and 24, which are patentable over the cited reference, Applicant respectfully submits that dependent claims 21, 22, and 25-29 are also patentable over the cited reference based on allowable base claims. Additionally, each of claims 21, 22, and 25-29 may be allowable for further reasons. Accordingly, Applicant requests that the rejections of claims 20-30 under 35 U.S.C. § 102(a) be withdrawn.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact the attorney listed below

Respectfully submitted,

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